

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY TURNER,

Plaintiff,

Case Number: 18-11982

v.

HONORABLE AVERN COHN

JODI DEANGELO, MELISSA GODFREY,
UNIDENTIFIED OFFICER DEFENDANTS,
and UNIDENTIFIED NURSE
DEFENDANT,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 25)
AND
GRANTING DEFENDANT JODI DEANGELO AND MELISSA GODFREY'S MOTIONS
FOR SUMMARY JUDGMENT (Docs. 11, 15)

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Jeffrey Turner, proceeding pro se and in forma pauperis, filed a complaint naming Jodi DeAngelo, Melissa Godfrey, “Unidentified Officer Defendants,” and “Unidentified Nurse Defendant” as defendants. Plaintiff alleges he was sexually assaulted by other inmates while incarcerated at the Woodland Correctional Facility between April 15, 2017 and January 9, 2018. The matter has been referred to a magistrate judge for pretrial proceedings. (Doc. 16).

Jodi DeAngelo and Melissa Godfrey filed separate motions for summary judgment on the grounds that plaintiff failed to exhaust his administrative remedies against them. Docs. 11, 15. The magistrate judge issued a report and recommendation (MJRR), recommending that the motions be granted for failure to exhaust and plaintiff's

claims against them be dismissed without prejudice. Neither party has filed objections and the time for filing objections has passed.

II.

The failure to file objections to the MJRR waives any further right to appeal.

Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge.

III.

The findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. DeAngelo and Godfrey's motions for summary judgment are GRANTED. Plaintiff's claims against DeAngelo and Godfrey are DISMISSED WITHOUT PREJUDICE.

The case continues before the magistrate judge against the remaining still unidentified defendants.¹

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 9/10/2019
Detroit, Michigan

¹The magistrate judge recently issued an order requiring plaintiff to provide the names of the unidentified defendants within 45 days and providing that a failure to properly identify a defendant may result in the dismissal of his claims against them. (Doc. 26)..